

Wisconsin Department of Health Services

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 3340 | (X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____ | (X3) DATE SURVEY COMPLETED C 08/02/2023 |
| NAME OF PROVIDER OR SUPPLIER SBH MADISON LLC DBA MIRAMONT BEHAV HLTH | | STREET ADDRESS, CITY, STATE, ZIP CODE 3169 DEMING WAY MIDDLETON, WI 53562 | | |
| (X4) ID PREFIX TAG | SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION) | ID PREFIX TAG | PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY) | (X5) COMPLETE DATE |
| X 000 | <p>INITIAL COMMENTS</p> <p>On 08/02/2023, an onsite complaint investigation was conducted .</p> <p>The provider holds certification under Wisconsin Administrative Codes:</p> <p>DHS 61.71 Community Mental Health Inpatient DHS 61.75 Mental Health - Day Treatment DHS 61.79 Community Mental Health Adolescent Inpatient</p> <p>Six (6) patient records were reviewed.</p> <p>On 07/26/2023 and 08/01/2023 the department received 2 complaints alleging concerns regarding patient rights at discharge and quality of care. Complaint #WI00050483 and complaint #WI00050576 were found to be unsubstantiated.</p> <p>One (1) unrelated, repeat deficiency was identified. See tag X9450.</p> | X 000 | | |
| X9450 | <p>DHS 94.24(2)(d) PATIENT RIGHTS BODY SEARCHES</p> <p>Only inpatients may be subjected to a body search. All body searches shall be conducted as follows:</p> <p>1. A personal search of an inpatient may be conducted by any facility staff member:</p> <p>a. Before a patient leaves or enters the security enclosure of maximum security units;</p> <p>b. Before a patient is placed in seclusion;</p> <p>c. When there is documented reason to believe</p> | X9450 | | |

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

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| X9450 | <p>Continued From page 1</p> <p>the patient has, on his or her person, objects or materials which threaten the safety or security of patients or other persons; or</p> <p>d. If, for security reasons, the facility routinely conducts personal searches of patients committed under ch. 971 or 975, Stats., patients residing in the maximum security facility at the Mendota mental health institute or a secure mental health unit or facility under s. 980.065, Stats., and persons transferred under s. 51.35(3) or 51.37, Stats.;</p> <p>2. A strip search of an inpatient may be conducted:</p> <p>a. Only in a clean and private place;</p> <p>b. Except in an emergency, only by a person of the same sex;</p> <p>c. Only when all less intrusive search procedures are deemed inadequate; and</p> <p>d. Only under circumstances specified under subd. 1. a. to c.;</p> <p>3. A body cavity search of an inpatient may be conducted:</p> <p>a. Only in a clean and private place;</p> <p>b. Only by a physician and, whenever possible, by a physician of the same sex;</p> <p>c. Only when all less intrusive search procedures are deemed inadequate; and</p> <p>d. Only under circumstances specified under</p> | X9450 | | |

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| X9450 | <p>Continued From page 2</p> <p>subd. 1. a. to c.</p> <p>This Rule is not met as evidenced by: Based on interview, observation, and record review, Patient 1 was strip searched without a documented reason to justify the search.</p> <p>On 08/02/2023 the department was onsite for a complaint investigation related to quality of care and patient rights at discharge. Unrelated to the complaint, the department observed a violation related to patient rights specific to strip searches. Findings include:</p> <p>This is a repeat (2nd) citation. See SOD KSZU11 dated 10/27/2022.</p> <p>As defined by DHS 94.02(43): "Strip search" means a search in which the patient is required to remove all of his or her clothing. Permissible inspection includes examination of the patient's clothing and body and visual inspection of his or her body cavities.</p> <p>On 08/02/2023 at 3:03 PM, surveyors began a tour of the facility. Following the tour, surveyors returned to the nursing station and observed Registered Nurse (RN) B providing a hospital gown to Patient 1. RN B informed Patient 1 that s/he would be completing a "skin assessment" and inquired whether or not Patient 1 was comfortable with RN B being present since RN B was of the opposite sex. Patient 1 was then escorted by RN B and RN C into a locked corridor behind the nursing station. Attached to the corridor is the facility's seclusion room and separate from that, a restroom.</p> <p>Through the facility's camera system, surveyors</p> | X9450 | | | |

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| X9450 | <p>Continued From page 3</p> <p>were able to witness Patient 1 entering the restroom alone with the hospital gown, closing the door, and then opening the restroom door and handing his/her clothing to RN C. At this time, the door to the restroom remained ajar, approximately a 45 degree angle. Patient 1 remained in the restroom while RN C stepped within the doorway. RN B remained behind the door approximately 3 feet from the door. Surveyors could observe movement of Patient 1 and RN C. Mid-way through, RN B stepped over into alignment of the doorway within view of the backside of RN C. Following the search, surveyors requested to interview RN C.</p> <p>On 08/02/2023 at 3:35 PM an interview was conducted with RN C. RN C stated to surveyors, "Safety searches are conducted up in A & R ... we conducted the skin assessment ... patients put on a gown and show one piece of the body at a time from head to toe ... I tell them what I'm looking for ... examine the shoulders, neck, behind ears, feet, left leg, knees, back of leg, thighs, groin, under the breasts ... we look for redness or sores ... the gown is either all the way up or with the gown [pulled] down." Surveyors inquired about undergarments and were informed Patient 1 did not have on underpants. RN C reported the hospital gowns are open in the back and that patients are asked to turn around to examine the buttocks stating "some patients [depending on weight] are asked to bend over a bit". RN C reported that if patients refuse the search they are placed on higher observation or "1:1" with a single staff member assigned to them but that this is a "red flag" with greater risk of "increased trauma ... increased risks".</p> <p>Upon review of Patient 1's record, surveyors identified documentation that on 08/02/2023 at 1</p> | X9450 | | |

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NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE

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| X9450 | Continued From page 4 PM, Patient 1 was voluntarily admitted as a transfer from a medical hospital following a stay for medical clearance. Patient 1's record indicated Patient 1 had been searched upon admission. The facility's search of Patient 1 met the definition of a strip search in s. DHS 94.02(43). Patient 1's record did not contain any documentation to justify the need for a strip search. | X9450 | | |